United Nations CEDAW/C/NOR/CO/9

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the ninth periodic report of Norway*

1. The Committee considered the ninth periodic report of Norway (CEDAW/C/NOR/9) at its 1552nd and 1553rd meetings (see CEDAW/C/SR.1552 and CEDAW/C/SR.1553), held on 7 November 2017. The Committee's list of issues and questions are contained in CEDAW/C/NOR/Q/9 and the responses of Norway are contained in CEDAW/C/NOR/Q/9/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its ninth periodic report. It also appreciates the information provided by the State party in follow-up to the concluding observations on its eighth periodic report (CEDAW/C/NOR/CO/8/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group, and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Minister of Children and Equality, Solveig Horne, and included representatives of the Ministry of Foreign Affairs, the Ministry of Children and Equality, the Ministry of Justice and Public Security, the Ministry of Labour and Social Affairs, the Directorate for Children, Youth and Family Affairs and the Permanent Mission of Norway to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the work and commitment of the State party to ensuring equality between women and men in law and in practice at the national and international levels, including with respect to promoting the full spectrum of the women and peace and security agenda of the Security Council pursuant to its resolution 1325 (2000) and subsequent resolutions 1327 (2000), 1366 (2001),

* Adopted by the Committee at its sixty-eighth session (23 October–17 November 2017).

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1408 (2002), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015), 2272 (2016) and 2331 (2016) and the 20-year review of the implementation of the Beijing Declaration and Platform for Action. The Committee also notes with appreciation that the State party is among the highest-ranked countries in terms of gender equality.

5. The Committee welcomes the progress achieved since the consideration in 2012 of the State party's eighth periodic report (CEDAW/C/NOR/8) in undertaking legislative reforms, including at the constitutional level, in particular the adoption of the following:

(a) Incorporation of the principles of equality and non-discrimination into article 98 of the Constitution, in 2014;

(b) Equality and Anti-Discrimination Act and Act on the Equality and Anti-Discrimination Ombud and Equality and Anti-Discrimination Tribunal, in 2017;

(c) Law on changing legal gender, which allows all persons, including women and girls (from the ages of 6 to 16 with the consent of one parent or legal guardian), to apply to change their legal gender by self-declaration, in 2016.

6. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of the following:

(a) National action plan on gender equality, in 2014;

(b) Norwegian national human rights institution, which was accredited with A status by the Global Alliance of National Human Rights Institutions for compliance with the principles relating to the status of national institutions for the promotion and protection of human rights, in 2015;

(c) Action plan entitled "The Right to Decide about One's Own Life — an Action Plan to Combat Negative Social Control, Forced Marriage and Female Genital Mutilation 2017–2020", in 2017, and other action plans, including:

(i) On combating human trafficking;

(ii) Against hate speech, aimed at preventing hate speech on all prohibited grounds of discrimination, including gender;

(iii) To strengthen investigation and prosecution in the police and the prosecuting authorities, including in relation to cases of gender-based violence against women, in 2016;

(iv) Against domestic violence, entitled "A Life without Violence", for the period from 2014 to 2017.

7. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:

(a) Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) of the Council of Europe and legislative proposals to implement and comply with its provisions, in 2017;

(b) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of Persons with Disabilities, in 2013.

8. The Committee notes with satisfaction the engagement of the State party to implement the Sustainable Development Goals and to establish a new mechanism to reach them, including an online knowledge platform. The Committee recalls the importance of Sustainable Development Goal 5 on achieving gender equality and empowering all women and girls and commends the positive efforts of the State party to implement sustainable development policies, including measures to address climate change.

C. Parliament

9. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Parliament (Storting), in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention, including through considering holding a debate on the concluding observations with the participation of civil society.**

D. Principal areas of concern and recommendations

Implementation and visibility of the Convention, Optional Protocol thereto and the Committee's general recommendations

10. The Committee welcomes the publication, in 2016, of the North Sami translation of the Convention. It is, however, concerned about the absence of a comprehensive programme for the implementation of its concluding observations. It reiterates its previous concern about the general lack of awareness of the Convention and its Optional Protocol in the State party, including among Government and law enforcement officials and the judiciary. It is also concerned about the lack of awareness among women themselves, in particular migrant women, which presents an obstacle to them claiming their rights under the Convention or the communication or inquiry procedures of the Optional Protocol.

11. **The Committee calls upon the State party:**

(a) **To devise a comprehensive programme for the implementation of the present concluding observations, to ensure the dissemination of the present concluding observations, the Convention, its Optional Protocol and the Committee's general recommendations among all stakeholders, including Government and law enforcement officials and the judiciary, and to include the views adopted on individual communications, the findings adopted on inquiries under the Optional Protocol and the Committee's general recommendations in judicial training and capacity-building programmes;**

(b) **To intensify its efforts to raise awareness among women, in particular women belonging to ethnic minority groups and migrant women, of their rights under the Convention and its Optional Protocol.**

Legislative framework and definition of discrimination against women

12. The Committee notes that, as a general rule, legislation adopted in Norway is gender-neutral. The Committee repeats its concern that gender-neutral legislation,

policies and programmes might lead to the inadequate protection of women against direct and indirect discrimination and hinder the achievement of substantive equality between women and men, as explained in paragraph 5 of the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention. The Committee is concerned that this is already reflected in the amendments of 2016 to the assessment procedure instructions for official studies and reports, which made gender-related aspects less visible in the assessment of the equality-related consequences of legislative and policy measures. The Committee also notes that the new Equality and Anti-Discrimination Act, which merges the previous gender equality, sexual discrimination, ethnic discrimination and discrimination and accessibility laws, is "particularly aimed at strengthening the position of women and minorities" and allows for cases to be brought on the basis of a combination of prohibited grounds of discrimination. The Committee is, however, concerned that the implementation of the Act may weaken the promotion of gender equality in the State party, which used to be governed by a separate gender equality law, and that the duty of private and public employers to report on their gender-related activities was repealed.

13. **The Committee calls upon the State party:**

(a) **To include a gender-sensitive rather than gender-neutral approach in its legislation, policies and programmes, in line with paragraph 5 of the Committee's general recommendation No. 28;**

(b) **To strengthen the gender equality and non-discrimination requirements in the assessment procedure instructions;**

(c) **To take the necessary measures to ensure that the new Equality and Anti-Discrimination Act does not erode structural activities for the promotion of gender equality, including by closely monitoring its implementation and reinstating the reporting obligations for private and public employers in relation to gender as a ground of discrimination, as requested by Parliament.**

Extraterritorial State obligations

14. The Committee commends the State party for its international cooperation programmes. It is, however, concerned that the continuing and expanding extraction of oil and gas in the Arctic by the State party and its inevitable greenhouse gas emissions undermine its obligations to ensure the substantive equality of women with men, as climate change disproportionately affects women, especially in situations of poverty, since they are more reliant on natural resources for their livelihoods than men and have lesser capacity to deal with natural hazards.

15. **The Committee recommends that the State party review its climate change and energy policies, specifically its policy on the extraction of oil and gas, to ensure that they take into account the disproportionate negative effects of climate change on the rights of women.**

Women and peace and security

16. The Committee welcomes the leadership and commitment of the State party with regard to the advancement of the women and peace and security agenda at the international level.

17. **The Committee recommends that the State party maintain its dedication to ensuring the effective implementation of Security Council resolution 1325 (2000)**

on women and peace and security and subsequent resolutions in countries affected by conflict, including through ensuring that its national action plans contribute to significantly increasing the participation of women in peace processes, in particular peace negotiations.

National machinery for the advancement of women and access to justice

18. The Committee notes that, with the adoption of the new consolidated Equality and Anti-Discrimination Act, the Equality and Anti-Discrimination Tribunal will be the only individual complaints mechanism outside the ordinary court system in gender equality and gender discrimination cases. The Committee welcomes the fact that the Tribunal may award compensation in cases of discrimination in the workplace, but is concerned that it has no mandate to award compensation other than in those cases or to deal with cases of sexual harassment, unlike in cases involving other victims of harassment on other grounds. The Committee is further concerned that women will not be afforded statutory free legal aid to bring cases before the Tribunal and that the Government has proposed budget cuts for 2018 for private legal aid organizations amounting to a total of 15 million NOK, which will affect the most vulnerable groups of women.

19. **The Committee recommends that the State party:**

(a) **Ensure that the restructuring of the Equality and Anti-Discrimination Tribunal and the Equality and Anti-Discrimination Ombud does not weaken their mandates for the promotion of gender equality and protection against discrimination, in particular during the transitional period;**

(b) **Strengthen the resources of the Equality and Anti-Discrimination Ombud, who will be stripped of the mandate of dealing with individual cases, so as to enable the Ombud to assist women in bringing cases, including complex cases such as those based on multiple forms of discrimination, before the Equality and Anti-Discrimination Tribunal, as a form of free legal aid, and extend the authority of the Tribunal to award compensation in cases other than those of employment discrimination, including cases of sexual harassment;**

(c) **Renounce the envisaged budget cuts for non-governmental organizations providing legal aid to vulnerable groups of women, and allocate sufficient human, technical and financial resources for providing free legal aid to women complainants.**

Temporary special measures

20. The Committee welcomes the fact that the Equality and Anti-Discrimination Act carries over provisions for affirmative action, including on grounds of gender, pregnancy and maternity leave, and introduces a new provision on care responsibilities. The Committee is, however, concerned that only 20 per cent of executive board members and 7 per cent of chief executive officers are women in the 200 largest companies of the State party and that among private limited companies, which make up the majority of Norwegian companies, only 18 per cent of board members were women in 2016.

21. **The Committee recommends that the State party make use of temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, including by providing appropriate incentives, such as gender scorecards, and carrying out campaigns targeting decision makers and**

shareholders of private companies, in particular of the 200 largest Norwegian companies, to significantly increase the number of women executive board members and chief executive officers.

Stereotypes and harmful practices

22. The Committee welcomes the measures taken by the State party to combat harmful practices within its territory and abroad, including the adoption of legislation specifically criminalizing child and/or forced marriage and female genital mutilation and the comprehensive, periodically renewed action plan, which can be characterized as a good practice, to combat those harmful practices and crimes in the name of so-called honour. It also welcomes the fact that the State party was one of the first countries to criminalize hate speech, including online sexual hate speech and online revenge porn. The Committee is nevertheless concerned that:

(a) There are currently no reliable statistics on the number of women who have been subjected to forced marriage or female genital mutilation;

(b) Section 185 of the Penal Code does not include gender hate speech;

(c) Childhood and adolescence has become increasingly commercialized, gendered and sexualized, resulting in omnipresent negative gender stereotypes and giving rise to intimate partner violence, a youth culture that is increasingly marked by the objectification and sexualization of girls and girls presenting themselves in a highly sexual manner;

(d) The prosecution and police authorities have noted the influence of pornography in abuse cases, resulting, for example, in a significant increase, by 60 per cent in 2016, in reported rape cases in which the alleged perpetrator is a child;

(e) There are no plans to systematically address various forms of stereotypes stemming from negative attitudes about women and girls belonging to certain racial, ethnic and religious groups, leading to multiple forms of discrimination.

23. **The Committee recommends that the State party:**

(a) **Systematically collect disaggregated data on harmful practices in the State party and report them to the Committee in its next periodic report;**

(b) **Strengthen primary and secondary education on gender stereotypes, prejudice, gender identity and gender roles, including on various forms of stereotypes affecting minority women and girls, in particular Sami women and women with a migrant background;**

(c) **Allocate resources for research into the root causes and possible impact of oversexualized representations of girls and women in the media and the possible connections between sexualization and pornography and the root causes of gender-based violence, in particular in relation to girls;**

(d) **Step up the implementation of the action plan against hate speech, which should provide for a monitoring mechanism to assess the impact of the measures taken and design remedial action, with a special focus on women facing intersecting forms of discrimination based on gender and racially, ethnically, religiously and nationalistically motivated hate speech, lesbian, bisexual and transgender women and intersex persons, and women with disabilities;**

(e) **Amend section 185 of the Penal Code to add gender to the list of actions that qualify as criminal hateful expressions.**

Gender-based violence against women

24. The Committee welcomes the adoption of the national plan of action against domestic violence for the period from 2014 to 2017 and the implementation measures taken, including making the assessment tool of the spousal assault risk assessment guide operational and conducting related training and capacity-building for police officers in all police districts. It further welcomes the issuance by the State party of a report on domestic violence against women, in particular sexual violence, and sexual abuse in Sami communities and the allocation of financial resources for prevention measures in the Sami communities. The Committee, however, remains concerned about:

(a) The high level of gender-based violence against women in the State party, especially domestic and sexual violence, including rape;

(b) The low level of reported rape cases, a significant proportion of ineffective or inappropriate investigations into rape cases according to a survey conducted by the national criminal police authority in 2015, with similar conclusions drawn in a survey of the prosecution authorities, and the low number of criminal convictions for rape, with a high ratio of acquittals compared with other violent crimes;

(c) The absence of systematic gender training and capacity-building programmes for judges and lay judges;

(d) The lack of data on cases of violence against women that have been investigated and that have led to prosecutions and on the sanctions imposed on perpetrators in the State party, disaggregated by age and relationship between victim and perpetrator;

(e) Cultural and linguistic barriers, and the distrust of the Sami communities towards public authorities, which prevents Sami women and girls from having access to effective prevention, protection and redress from the authorities against domestic violence and sexual violence;

(f) Allegations of sexual assault within the Sami community against children, including girls, and their late investigation;

(g) The fact that the Committee's previous recommendation to amend section 291 of the Penal Code by placing the lack of free consent at the centre of the definition was not implemented despite the white paper of the Ministry of Justice and Public Security of 2013 to that effect, to which the prosecution authorities and the Norwegian Bar Association objected;

(h) The fact that the national plan of action against rape and sexual violence for the period from 2012 to 2014 has not been replaced by a new one;

(i) The inadequate estimation of the need for shelters for women victims of violence compared with that for men and children, and the fact that remedial measures, such as moving women victims to other shelters when they are fully occupied, may require them to move away from their usual residence and centre of life;

(j) The rare use of reverse attack alarm systems due to legal and practical challenges to their implementation.

25. **The Committee recommends that the State party:**

(a) **Develop and implement comprehensive measures for the prevention and elimination of gender-based violence against women and girls, in particular domestic violence and rape and other forms of sexual violence, and ensure that perpetrators of gender-based violence are prosecuted and punished commensurately with the gravity of their crimes, in accordance with the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19;**

(b) **Strengthen the capacity of the police, prosecutors and judges on the strict application of relevant criminal law provisions and gender-sensitive investigations of cases of gender-based violence, including cases affecting women with (mental) disabilities and other vulnerable groups of women;**

(c) **Systematically implement gender training and capacity-building for judges and lay judges in criminal cases involving gender-based violence, in line with the Committee's general recommendation No. 35;**

(d) **Collect and report to the Committee disaggregated data on the number of:**

(i) **Cases of violence against women that have been investigated and that have led to prosecutions, including information on the sanctions imposed on perpetrators;**

(ii) **Women victims of violence who have been provided with legal assistance and relevant support services;**

(iii) **Women victims of violence who have been compensated;**

(iv) **Non-contact orders (restraining orders) issued, with a view to improving the State party's ability to address the root causes of all forms of gender-based violence;**

(e) **Devise an action plan for enhanced prevention, protection and redress of gender-based violence, in particular sexual violence, against Sami women and girl victims, including with a view to overcoming cultural and linguistic barriers, based on further research into the root causes, and allocate sufficient resources for its implementation;**

(f) **Adopt a legal definition of rape in the Penal Code that places lack of free consent at its centre, in line with the Committee's general recommendation No. 35, *Vertido v. the Philippines* (CEDAW/C/46/D/18/2008) and the State party's obligations under the Istanbul Convention;**

(g) **Accelerate the development and adoption of a new national plan of action against rape and sexual violence;**

(h) **Provide sufficient numbers of shelters for women victims of violence to avoid the need for the relocation of women victims in the event of full occupancy of the designated shelter;**

(i) **Take the necessary measures to overcome the existing practical and legal impediments surrounding reverse attack alarm systems in order to enhance their use as an effective means to prevent violence against women.**

Trafficking and exploitation of prostitution

26. The Committee welcomes the fact that the State party has begun to develop a national referral mechanism for victims of trafficking and other measures to combat trafficking in persons, in particular women and girls, including with international partners, and has increased the maximum prison sentence for the crime of trafficking. It is, however, concerned about:

(a) The lack of comprehensive data about victims of trafficking, despite the fact that the coordination unit for victims of human trafficking compiles figures from various agencies;

(b) The decrease in the number of reported cases of trafficking in the past five years, which may partially result from the increased immigration control by the police discouraging victims from coming forward to seek assistance;

(c) The transfer of competencies from the Norwegian Labour and Welfare Service to the Directorate of Immigration when women victims of trafficking become asylum-seekers resulting in a change of their residence or legal status and the discontinuing of their rights and entitlements to assistance;

(d) The risk of swift deportation of women victims of trafficking after a reflection period of six months if they are not willing or able to cooperate with law enforcement authorities with regard to the perpetrator;

(e) Rejected asylum-seeking women becoming vulnerable to human trafficking.

27. **The Committee recommends that the State party:**

(a) **Systematically collect comprehensive data about victims of trafficking and report them to the Committee in its next periodic report;**

(b) **Adopt a human rights-based approach in its efforts to combat trafficking, and prioritize the prevention of trafficking and retrafficking, the protection of victims and the prosecution of perpetrators;**

(c) **Create a uniform national system for identifying and following up on women victims of trafficking, ensuring the continuity of rights and entitlements when there is a change in the residence or legal status of the victim, conducting awareness-raising campaigns about human trafficking and discontinuing the return of victims of human trafficking under the Dublin Regulation;**

(d) **Revise immigration policies to ensure that laws and policies on the deportation of foreign women are not applied in a discriminatory manner, do not deter migrants, refugees and asylum seekers from reporting crimes of trafficking and do not undermine efforts to prevent human trafficking, identify or protect victims or prosecute perpetrators.**

28. The Committee is concerned about the unintended consequences of the criminalization, since 2009, of the purchase of sexual activity or a sexual act from adults, in particular the higher risk for the personal safety and physical integrity of women in prostitution, as reflected in the low reporting rate of physical and sexual violence, exploitation and harassment, and the risk of their being evicted from their premises when used for prostitution. The Committee is further concerned that an evaluation conducted in 2014 of the effects of the introduction of the Nordic model in the State party has not been followed up with the formulation of new policies for the protection of the rights of women in prostitution.

29. **The Committee recommends that the State party:**

(a) **Accelerate the tabling of the white paper on prostitution to Parliament in order to formulate a comprehensive policy, legislative and regulatory framework that ensures legal protection from exploitation for women who engage in prostitution, and ensure that they are not prosecuted for the sale of sexual activity and sexual acts, including for acts that currently amount to criminal acts of "promotion of prostitution";**

(b) **Conduct or fund long-term research that provides evidence-based knowledge about the living conditions of women in prostitution in Norway in order to design programmes to improve the safeguarding of their human rights, including their rights to protection against violence, health and access to social security;**

(c) **Strengthen exit programmes for women who wish to leave prostitution.**

Participation in political and public life

30. The Committee welcomes the introduction by most political parties of voluntary gender quotas into their nomination processes, resulting in a constant increase in the representation of women in Parliament, to 41.4 per cent in 2017, and an increase to 43 per cent of women candidates for local elections in 2015, and the requirement in the Local Government Act of a minimum of 40 per cent representation of women and men in appointed positions in municipalities and municipal companies, leading to women holding 43 per cent of positions in municipal executive boards in 2015. It also welcomes the Local Election Day project of 2014, leading to a slight increase, to 39 per cent, in the representation of women in municipal councils, and the fact that the State party has almost reached gender equality at the ambassadorial level. The Committee notes with concern, however, the underrepresentation of women from ethnic and minority backgrounds in political life in general.

31. **The Committee recommends that the State party consider expanding the Local Election Day project with a view to increasing the number of women from ethnic and minority backgrounds in elected municipal bodies.**

Nationality

32. The Committee welcomes the fact that, following recommendations based on a mapping of statelessness in the State party by the Office of the United Nations High Commissioner for Refugees in 2015, the Nationality Act was amended to include a definition of statelessness in line with the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961. The Committee is, however, concerned that:

(a) Foreign women may be at risk of becoming effectively stateless upon dissolution of a marriage to a Norwegian spouse if they have taken the nationality of their spouse and renounced their own and losing custody of their children if only the father has the same nationality as the children;

(b) The State party lacks a procedure for determining statelessness and a regime for the protection of stateless persons, and children born in the State party to a stateless woman, including women asylum-seekers and refugees, may therefore become stateless;

(c) The current condition for obtaining permanent residence status of three years of temporary residence may force women in abusive marriages or cohabitation

to remain in such violent relations, exposing them to revictimization owing to the high threshold for proving abuse;

(d) Restrictive requirements in immigration laws and policies, such as minimum income requirements and strict insistence upon participation in language courses, even during maternity leave, may not adequately accommodate the specific needs of women with caregiving responsibilities and have a disproportionate effect on ethnic minority, refugee and asylum-seeking women.

33. **The Committee recommends that the State party:**

(a) **Adopt the proposed amendments to its nationality and citizenship laws to allow for dual citizenship to reduce the risk for foreign spouses, upon dissolution of a marriage to a Norwegian spouse, of becoming stateless and losing custody of their children born in the State party;**

(b) **Ensure birth registration of children born to refugee and asylum-seeking women;**

(c) **Review the threshold for proving partner abuse in the context of the requirement for obtaining permanent residence status of three years of temporary residence, and implement the proposal to grant an independent right to stay to foreign women who are abused by persons other than their partners;**

(d) **Review immigration laws and policies to ensure that they do not have disproportionate consequences for ethnic minority, refugee and asylum-seeking women and girls.**

Education

34. The Committee welcomes the State party's continuous efforts to eliminate discrimination against women in the education sector and the progress achieved so far, including through temporary special measures as well as permanent measures, such as the Girls and Technology project to increase the number of girls studying natural sciences, the Gender Balance in Senior Positions and Research Management project to promote gender balance among senior-level researchers and the points system to award non-traditional educational choices by both women and girls and men and boys. The Committee is, however, concerned about persisting gender segregation in the education sector at all levels, including with respect to non-traditional educational and occupational choices, the low number of women in high-level academic posts and the somewhat higher dropout rate at the upper secondary level of girls and boys with a migration background or whose parents have lower levels of education.

35. **The Committee recommends that the State party:**

(a) **Reinforce programmes aimed at combating gender segregation in the education sector at all levels, including with respect to non-traditional educational and occupational choices, while taking into account sociocultural factors;**

(b) **Consider introducing temporary special measures, such as a mandatory statutory quota, to ensure the equal representation of women in high-level academic posts;**

(c) **Reduce the dropout rate at the upper secondary level for girls and boys with a migration background or whose parents have lower levels of education.**

Employment

36. The Committee welcomes the measures taken by the State party to implement section 21 of the Gender Equality Act of 2013 on equal pay for work of equal value to further narrow the wage gap between women and men. It also welcomes the adoption of permanent measures in the area of employment, under the Job Opportunity programme, targeting vulnerable groups with low rates of labour market participation, including migrants, and stay-at-home mothers. The Committee is, however, concerned that:

(a) The wage gap in a horizontally and vertically gender-segregated employment market has only slightly narrowed, and the hourly pay rate of women on average amounts to 88 per cent of that of men, and the gap increases as the level of education rises;

(b) The maternity and paternity leave quotas have been reduced from 14 weeks for both mothers and fathers to 10 weeks;

(c) Collective wage negotiations by social partners may have led to collective bargaining agreements that include gender discriminatory wages;

(d) A Supreme Court ruling of 2016 limiting the preferential treatment accorded by the Working Environment Act to part-time employees seeking full-time employment disproportionately affects women;

(e) Exploitation of women and girls, mainly in the form of forced labour in households, has increased since 2012, in particular within the au pair system.

37. **The Committee recommends that the State party:**

(a) **Continue to take the necessary measures, including implementing section 34 of the new Equality and Anti-Discrimination Act on equal pay for work of equal value, and establish a structure to monitor collective bargaining agreements to ensure that they are not gender discriminatory in order to narrow and close the wage gap between women and men in accordance with the Equal Remuneration Convention, 1951 (No. 100), of the International Labour Organization;**

(b) **Continue to implement measures to ensure the equal participation of both parents in family life, including good practices such as maternity and paternity leave and shared parental leave quotas, and swiftly reintroduce maternity and paternity leave periods of 14 weeks;**

(c) **Accelerate the envisaged legislative response to the Supreme Court ruling of 2016 limiting the preferential treatment accorded by the Working Environment Act to part-time employees seeking full-time employment;**

(d) **Consider abolishing the au pair system with a view to preventing the exploitation of women and girls, in particular in the form of forced labour in households.**

Health

38. The Committee is concerned that fewer than 300 midwives, providing prenatal care for more than 60,000 pregnant women annually, are available in only half of the municipalities in the State party. Postnatal care guidelines, recommending a home visit to all newborns, cannot therefore be fully implemented. It is also concerned about the withdrawal of representatives of the Sami health institutions from the process of developing a Sami health centre in Finnmark county due to a lack of trust in the health authorities. It is further concerned that the self-reported health condition of the Sami population is still poorer than that of the majority population, including as a result of suffering from the consequences of the radioactive fallout after the Chernobyl disaster of 1986, that the health condition of Sami women is poorer than that of Sami men, and that the health condition of Sami women living outside the defined Sami area is the poorest overall, which may also be the result of discrimination in the public health-care system.

39. **The Committee recommends that the State party:**

(a) **Ensure sufficient numbers of midwives to provide appropriate health-care services to women during pregnancy, birth and the postnatal period and to their children;**

(b) **Ensure that all Sami women are provided with adequate health care and social services, including by disseminating more information about the development of a Sami health centre to the indigenous community, so as to enable a gender-sensitive, consultative and inclusive process;**

(c) **Provide the Committee with information and data on the health situation of Sami women and on the impact of the measures taken to overcome intersecting forms of discrimination in the health sector in its next periodic report.**

Economic empowerment of women

40. The Committee notes that the State party has been evaluating the reformed State pension system and the employer-related pension system since 2011, including in relation to the risk of indirect discrimination against women. The Committee notes that the reformed pension systems take into account factors such as the fact that women still take on more unpaid care responsibilities than men and that women live longer than men. Nevertheless, the Committee notes with concern that a disproportionate percentage of women are recipients of the State minimum pension.

41. **The Committee recommends that the State party address the disproportionate percentage of women receiving the State minimum pension and take remedial measures to even out gender disparities, if any, after the conclusion of the evaluation of the reformed State pension system and employer-related pension system in 2018 to ensure their equal impact on women and men.**

Women with disabilities

42. The Committee is concerned that the report of the Rights Commission NOU 2016:17 refers only to persons with mental disabilities and that the evaluation of investigations and prosecutions in cases of sexual violence, including rape, did not include an evaluation of the exploitation of women with cognitive and psychosocial disabilities, who are often not believed to have suffered sexual violence.

43. **The Committee recommends that the State party:**

(a) **Extend the scope of the white paper on equal terms to all persons, including women, with disabilities;**

(b) **Evaluate the issue of investigations and prosecutions of cases involving sexual violence against women with cognitive and psychosocial disabilities.**

Refugee and asylum-seeking women and girls

44. While the Committee welcomes the fact that gender-related persecution, including that of lesbian, bisexual and transgender women and intersex persons, is a relevant factor in asylum case decisions in the State party, and that rape, forced sterilization or abortion, female genital mutilation, bride burning and killings in the name of so-called honour may also constitute persecution, the Committee is nonetheless concerned that the tightening of the laws relating to refugees and asylum seekers may have a disproportionately negative impact on women and girls.

45. **In line with its general recommendations No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women and No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee calls upon the State party to continue to apply a gender-sensitive approach in receiving refugee and asylum-seeking women and in considering asylum claims, thereby ensuring that the protection needs of asylum-seeking and refugee women and girls arriving in the State party are addressed as a priority concern.**

Women in prison

46. The Committee welcomes the fact that the State party has begun to implement the recommendations of the report on equal conditions for women and men under the responsibility of the correctional services of 2015 and of the report of the of the Parliamentary Ombudsman on women in prison of 2017, including through the development of a strategy and the establishment of separate wings for women in prisons where they did not exist, with a view to achieving equal prison conditions for women and men. The Committee is, however, concerned that:

(a) A number of prisons for women are located in old and unsuitable buildings;

(b) Owing to the low number of suitable prisons, women prisoners are at a higher risk than men of serving their sentences in prisons with higher levels of security, of serving their sentences far from their families, including their children, and of being exposed to sexual harassment in mixed prisons, even with separate wings for women and men;

(c) Many women prisoners have significantly poorer access to outdoor areas and physical activities than men;

(d) Health services in prison are at times not tailored to the specific needs of women, including with respect to mental health care and substance abuse rehabilitation services.

47. **The Committee recommends that the State party:**

(a) **Step up its efforts to improve prison conditions for women prisoners on an equal level with men in prison and in compliance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for**

Women Offenders (Bangkok Rules), adopted by the General Assembly in its resolution 65/229;

(b) Improve health-care services, including mental health care and substance abuse rehabilitation services, for women prisoners.

Marriage and family relations

38. The Committee remains concerned that the economic and welfare rights of women living in de facto relationships may not be adequately protected, unless they have common children or had entered into an explicit agreement with their partner. The Committee also regrets that the State party indicated in its report that no activity was currently planned to extend the concept of joint marital property to intangible property, including pension and other work-related benefits, in the case of divorce, so as to compensate for possible gaps in the economic power of separating partners. The Committee is further concerned that situations of domestic violence may not be adequately addressed in cases of child custody decisions, particularly when alternate residence is contemplated.

39. The Committee reiterates its recommendations contained in paragraph 38 of its previous concluding observations (CEDAW/C/NOR/CO/8) and recommends that the State party:

(a) Ensure, in the case of divorce, that the concept of joint marital property extends to intangible property, including pension and insurance benefits and other career-related benefits, and that joint property is divided equally regardless of each spouse's individual contribution, and take further legal measures, as needed, to compensate for the unequal share of women in unpaid work and the resulting losses they may experience in their earning capacity, including by considering extending the possibility of awarding post-separation alimony or support awards, in line with the Committee's general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution;

(b) Adopt the legal measures necessary to enhance the economic protection guaranteed to all women living in de facto relationships, in the form of recognizing their rights with respect to the property accumulated during the relationship, in line with the Committee's general recommendation No. 21 (1994) on equality in marriage and family relations;

(c) Ensure that gender-based violence against women in the domestic sphere is taken into account in child custody or visitation decisions, especially when alternate residence is contemplated.

Beijing Declaration and Platform for Action

40. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.

2030 Agenda for Sustainable Development

41. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

Dissemination

52. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional, local), in particular to the Government, the ministries, Parliament and the judiciary, to enable their full implementation.**

Ratification of other treaties

53. **The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.**

Follow-up to concluding observations

54. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 19 (b), 25 (i), 41 and 49 (a) above.**

Preparation of the next report

55. **The Committee invites the State party to submit its tenth periodic report in November 2021. The report should be submitted on time and, in case of delay, should cover the entire period up to the time of its submission.**

56. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).**

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.